

# The Gazette of India

## EXTRAORDINARY

### PART II—Section 3—Sub-section (ii)

### PUBLISHED BY AUTHORITY

No. 127]

NEW DELHI, MONDAY, JULY 7, 1958/ASADHA 16, 1880

## MINISTRY OF COMMERCE AND INDUSTRY

### NOTIFICATION

*New Delhi, the 7th July 1958*

**S.O. 1324.**—The following rules made by the Bombay Oilseeds and Oil Exchange Ltd., Bombay, in exercise of the powers conferred on it by sub-section (1) of section 9A of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), and approved by the Central Government are hereby published as required by sub-section (2) of that section, namely:—

“Article 24.—(a) All members excluding the Associate Members of the Exchange shall be classified into four panels as follows:—

- (i) Crushers' Panel.
- (ii) Exporters' Panel.
- (iii) Dealers' Panel.
- (iv) Brokers' Panel.

(b) (i) Crushers' Panel will consist of members who are owners of oil mills, power driven chekkus and/or factories manufacturing Vanaspati, Soap or paints whether or not he is in addition a dealer, an exporter, or a broker.

(ii) Exporters' Panel will consist of members who have exported oilseeds, oils and/or oilcakes whether or not he is in addition a dealer or a broker.

(iii) Dealers' Panel will consist of members engaged in the purchase and/or sale of oilseeds, oils and/or oilcakes having a Sales Tax Registration Licence whether or not he is in addition a broker.

(iv) Brokers' Panel will consist of members who undertake brokerage business or business as commission agent in oilseeds, oils and/or oilcakes as also all other members not included in any other panel.

(c) All the present members shall be included in one or other of the panels mentioned in clause (a) above according to predominant interest of each one of them. A member in the first instance may declare the panel to which he desires to belong but the particular panel in which he will be included shall be in the discretion of the Board provided that where there is a difference of opinion between the member and the Board regarding the panel in which he is included, the member will be included in the panel as may be decided by the President of the Exchange in consultation with and with the approval of the Chairman of the Forward Markets Commission. Every person making an application for membership of the Exchange may declare the panel to which he desires to belong but the particular panel in which he will be included shall be in discretion of the Board.

The Board shall have also the power from time to time, at their discretion to alter the panel of a member. No member shall be included in more than one panel. The number of members in any Panel is not restricted and the different panels may vary as to the total number. Where a member ceases to carry on or changes the business entitling him to belong to any particular panel he shall immediately intimate the Board of such fact with full particulars. The Board either at the request of the Member or on their own, decide to which panel such member should belong and such decision of the Board shall be binding on all Members. No change in panel of any Member shall take effect until after the elections are over if such change has taken place during 45 days preceding the date fixed for the election of the Directors.

(d) Notwithstanding anything contained in clause (c) of this Article, the Forward Markets Commission, may if in its opinion, the interest of trade so requires, direct the Board to review the distribution of members into the various panels, and may also direct, if considered expedient to include a member in any particular panel; and the Board shall, thereupon, take suitable steps to comply with the same.

**Article 38**—(1) Only authorised representative of a member shall be entitled to vote at the meeting of the Exchange. Save as aforesaid no person shall be entitled to vote in person or by proxy. Every person qualified to vote shall have one vote except the Chairman who shall have in addition a casting vote. No Associate Member shall have a right to vote at any General Meeting of the Exchange.

(2) The Directors nominated by the Central Government shall be entitled to attend and vote at the General Meeting of the Exchange or at the meeting of the authorised representatives and the presence of such directors shall count for the purpose of forming a quorum.

**Article 56**—(1) The Board of Directors shall be constituted as follows:—

(a) Eighteen Directors who shall be elected by the authorised representatives of the members in the manner provided for in these presents; of these Directors—

- (i) two shall be from the authorised representatives of the members of the Crushers' Panel.
- (ii) four shall be from the authorised representatives of the members of the Exporters' Panel.
- (iii) four shall be from the authorised representatives of the members of the Dealers' Panel.
- (iv) eight shall be from the authorised representatives of the members of the Brokers' Panel.

If for any panel, there are less candidates than the number of seats provided for on the Board for that panel, the Board so constituted of such less number of directors shall be deemed to be duly constituted and shall function notwithstanding such deficiency on the Board.

(b) Four Directors nominated by the Central Government in accordance with the provisions of clause (b) sub-section (2) of section 6 of the Forward Contracts (Regulation) Act, 1952. In case the Central Government has not appointed one or more directors under this clause, the Board shall function as if it is duly constituted notwithstanding such deficiency on the Board.

(2) In addition to the above the Board may at their discretion co-opt any two authorised representatives as Directors at any time. Such co-opted Directors shall not hold Office of the President or the Vice Presidents.

**Article 57**—(1) At the First Annual General Meeting of the Exchange to be held after these Articles come into force all the elected Directors shall retire and the Directors shall be elected in the manner herein provided:—

- (a) two directors from the Crushers' Panel.
- (b) four directors from the Exporters' Panel.
- (c) four directors from the Dealers' Panel, and
- (d) eight directors from the Brokers' Panel.

At subsequent Annual General Meetings one Director from the Crushers' Panel, two directors from the Exporters' Panel, two directors from the Dealers' Panel and four Directors from the Brokers' Panel shall retire and election of directors in place of the retiring directors will be held in terms of These Presents and Rules and Regulations framed by the Board for the purpose of election of Directors.

(2) Subject to the provisions of the Act and these Articles the Directors to retire by rotation under the foregoing Article at every Annual General Meeting shall be those who have been longest in Office since their last appointment, but as between persons who became directors on the same day, those who are to retire shall in default of and subject to any agreement among themselves, be determined by lot. Subject to the provisions of the Act, a retiring director shall retain office until the conclusion of the Annual General Meeting.

(3) Subject to the provisions of the Act and these Articles, a retiring director shall be eligible for re-appointment.

*Article 59—*(1) (a) At least 30 days before the Annual General Meeting in each year the Board shall cause a notice to be issued to the members informing them the date of the election of the Directors of the Exchange.

(b) Any member desirous of contesting the election shall intimate in writing to the Secretary, in such form and within such time as may be prescribed by the Board, his desire to contest and the panel from which he desires to stand for the election.

(2) (a) If for any panel or panels the number of candidates contesting the election to the Board is equal to or less than the vacancies to be filled up the candidate or candidates of such panel or panels shall be deemed to be and declared elected as a Director or Directors and there shall be no election for such panel or panels.

(b) If for any panel or panels the number of candidates contesting the election to the Board is more than the number of vacancies but not exceeding 200 per cent. of the number of vacancies to be filled up on the Board there shall be an election for such panel or panels by ballot by the General Body of Members in accordance with the Rules that may be framed in that regard by the Board from time to time.

(c) If for any panel or panels the number of candidates contesting the election to the Board is in excess of 200 per cent. of the number of vacancies to be filled up (fraction being counted as one) the Members of such panel or panels shall be called upon to elect at least 20 days before the date of Annual General Meeting from amongst the candidates a number equal to 200 per cent. of the vacancies to be filled in from such panel or panels in accordance with the Rules that may be framed in that regard by the Board from time to time.

After selection of the candidates as aforesaid the election of Directors shall be held by ballot by the general body of members before the date of the Annual General Meeting from amongst the candidates selected by the panel or panels concerned in accordance with the Rules that may be framed in that regard by the Board from time to time.

(3) A member, who has intimated his desire to contest the election, shall not be entitled to stand or be nominated for the election of Directors by the General Body of Members if he has not been selected by the panel concerned in case selection by panel becomes necessary under These Presents.

(4) A member, who has intimated his desire of contesting the election of Directors, and in case selection by panel under These Presents becomes necessary he is selected by the panel concerned, shall only be entitled to stand and be nominated to contest the election by the General Body of Members.

(5) Any Members who is not a retiring Director shall not be entitled to contest the election to the Office of a Director unless he has by himself or by his agent authorised in writing, signed and filed with the Registrar a consent in writing to act as such Director.

*Article 60.—*(a) The election of Directors shall be by ballot to be held at the Registered Office of the Exchange.

(b) For the purpose of election of Directors or for the selection of candidates by panels under Article 59(2), no member, voting for the election of Directors or for the selection of candidates by panels, shall give vote to either a lesser number or greater number of candidates than the number of individuals to be elected or selected as the case may be nor shall he give more than one vote to any particular candidate. If any ballot paper does not fulfil these conditions, it shall be void and of no effect and it shall be rejected.

(c) The Board of Directors shall from time to time make rules and regulations for the annual election of Directors by the Members and the election to the Board of Directors shall take place accordingly.

(d) Where two or more candidates in the election of Directors or to any other office secure an equal number of votes the candidates to be declared elected shall be determined by drawing lots.

*Article 61.*—(a) The Directors shall have power at any time and from time to time to appoint any authorised representative as a director to fill a vacancy but so that the total number and the proportion of directors on the Board as fixed by These Presents is maintained. Any Director so appointed shall hold Office only upto the date upto which the Director in whose place he is appointed would have held office if it had not been vacated.

(b) Where the number of candidates for election to the Board is less than the vacancies to be filled up on the Board of Directors from any panel or panels the Directors shall have power to fill up such vacancies from amongst the panel or panels concerned. The Directors appointed under this provision shall hold office as provided in These Presents.

*Article 65.*—The Directors who shall be in office immediately before these Articles come into force shall continue to hold office until the conclusion of the First Annual General Meeting of the Exchange after these articles have come into force when the Board of Directors of the Exchange shall be constituted in accordance with These Presents."

[No. F. 33(20)-TMP/FMC/58.]

K. V. VENKATACHALAM, Joint Secy.